IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15862 of 2004

Between:

1. Mohd Hussain S/o. Md Ahmed,

   APSRTC, Devarakonda Bus Depot, Nalgonda District

2. Mohd Habeeb s/o. Mohd Gayasuddin

   APSRTC, Devarakonda Bus depot.

3 Mohd Misbuddin s/o. Md.Mohinuddin, APSRTC, Devarakonda bus depot, Nalgonda district

..... PETITIONERS

AND

1 The Regional Manager, APSRTC, Nalgonda Region at

Nalgonda.

2 The Depot Manager, APSRTC, Devarakonda Bus Depot Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in not giving Special Grade/Stagnation Increment to the petitioners with effect from their completion of 12 years of service in A.P.S.R.T.C. in total (All regions) and counting the present region's service of 12 years for Special Grade as arbitrary illegal, unjust and unreasonable and contrary to the circulars and contrary to the judgments of this Hon'ble Court and consequently direct the respondents to effect the 12 years stagnation increment /special grade to the petitioners on their completion of 12 years of service in all the regions of the corporation.

Counsel for the Petitioners: MR.P.VENKATESWAR RAO

For the Respondents: MR.V.T.M.PRASAD SC FOR APSRTC

The Court at the admission stage, made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15862 of 2004

ORDER:

Petitioner Nos.1 and 2 are working as Cleaners and Petitioner No.3 is working as Mechanic in the respondents- A.P.State Road Transport Corporation, for more than 12 years. They claim that they are entitled to get Special Grade by adding the stagnation increment by virtue of Circular No.20-63/89, dated 03-06-1989.

2. The grievance of the petitioners is that the respondents-Corporation did not implement the said circular and did not grant them the stagnation increment on completion of 12 years service. Some employees working under the respondents-Corporation, approached this Court by way of W.P.No.5726 of 2000 and the same is allowed by this Court through an order dated 23-08-2000, directing the respondents-Corporation to extend the benefit of stagnation increment to those petitioners who have completed 12 years of service. It is also brought to the notice of the Court that, aggrieved by the said order, the respondents-Corporation has preferred Writ Appeal No.1301 of 2000 and the Division Bench of this Court dismissed the said Writ Appeal through an order dated 29-10-2002.

3. In view of the order of this Court in the above Writ Appeal, the petitioners are entitled to the benefit of the stagnation increment by virtue of the Circular issued by the respondents on 03-06-1989, on condition that they have completed 12 years of service.

4. The respondents are therefore, directed to implement the said circular, in respect of the petitioners, on satisfying that the petitioners have completed 12 years of service.

5. Accordingly, the writ petition is allowed. No order as to costs.

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September 3,2004

That Rule Nisi has been made absolute as above. Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the 3rd day of September, Two Thousand and Four.

REGISTRAR

To

1 The Regional Manager, APSRTC, Nalgonda Region at

Nalgonda.

2. The Depot Manager, APSRTC, Devarakonda Bus Depot Nalgonda District.

3. Twp C.D.Copies.